



House of Representatives

General Assembly

File No. 591

January Session, 2001

Substitute House Bill No. 6657

House of Representatives, May 3, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROHIBITING EMPLOYMENT EXPLOITATION OF IMMIGRANT LABOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-4 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) The commissioner may appoint, as special agents, [of the
4 bureau,] competent persons, familiar with the language of [alien] non-
5 English-speaking laborers, who shall inform such laborers, either
6 personally or through printed matter in their language, as to their right
7 of contract under the laws of the state, and shall prevent illegal
8 advantage being taken of such laborers by reason of their [ignorance]
9 lack of knowledge, credulity or [want of knowledge of] lack of
10 proficiency in the English language. The appointment of such agents
11 shall not be permanent but simply to meet the exigencies of each case
12 as presented to the commissioner, and they shall be paid the same
13 compensation as is paid other agents. [of the bureau. The total expense

14 incurred in any one year under the provisions of this section shall not
15 exceed three hundred dollars.] Any person who obtains or receives
16 money due immigrant laborers or laborers [ignorant of] who lack
17 proficiency in the English language and retains any part thereof for
18 [his] such person's own use without giving adequate consideration
19 therefor shall be fined not more than one hundred dollars or
20 imprisoned not more than one year or both.

21 (b) The commissioner shall produce printed material describing the
22 rights of immigrant laborers or laborers who lack proficiency in the
23 English language as employees under part III of chapter 557, chapters
24 558 and 567, and the commissioner shall provide such information to
25 such laborers when they apply for benefits under chapter 567 or when
26 they seek compliance with any provision under part III of chapter 557
27 or chapter 558. The commissioner shall, within available funds, make
28 such information available to the public. The commissioner shall
29 prevent illegal advantage being taken of such laborers by reason of
30 their lack of information about their rights, credulity or lack of
31 proficiency in the English language. The languages used in such
32 printed material, in addition to Spanish and French, may be those
33 languages determined by the commissioner to be spoken by the
34 primary groups of immigrant laborers in the state.

35 Sec. 2. Section 31-69a of the general statutes is repealed and the
36 following is substituted in lieu thereof:

37 In addition to the penalties provided in [part III of] chapter 557, this
38 chapter and chapter 568, any employer, officer, agent or other person
39 who violates any provision [of part III] of chapter 557, this chapter or
40 subsection (g) of section 31-288, shall be liable to the Labor Department
41 for a civil penalty of three hundred dollars for each violation of said
42 chapters and for each violation of subsection (g) of section 31-288. The
43 Attorney General, upon complaint of the Labor Commissioner, shall
44 institute a civil action to recover such civil penalty. Any amount

45 recovered shall be deposited in the General Fund and credited to a
46 separate nonlapsing appropriation to the Labor Department, for other
47 current expenses, and may be used by the Labor Department to
48 enforce the provisions [of part III] of chapter 557, this chapter and
49 subsection (g) of section 31-288 and to implement the provisions of
50 section 31-4, as amended by this act.

51 Sec. 3. Section 31-226a of the general statutes is repealed and the
52 following is substituted in lieu thereof:

53 (a) No employer shall discharge, discipline, penalize or in any
54 manner discriminate against any employee because the employee has
55 filed a claim or instituted or caused to be instituted any proceeding
56 under this chapter, or has testified or is about to testify in any such
57 proceeding or because of the exercise by such employee on behalf of
58 himself or others of any right afforded by this chapter.

59 (b) Any employee who believes that [he] such employee has been
60 discharged, disciplined, penalized or otherwise discriminated against
61 by any person in violation of this section may file a complaint with the
62 Labor Commissioner alleging violation of the provisions of subsection
63 (a) of this section. Upon receipt of any such complaint, the
64 commissioner shall hold a hearing. After the hearing, the
65 commissioner shall send each party a written copy of [his] the
66 commissioner's decision. The commissioner may award the employee
67 all appropriate relief including rehiring or reinstatement to [his] such
68 employee's previous job, payment of back wages and reestablishment
69 of employee benefits to which [he] such employee otherwise would
70 have been eligible if [he] such employee had not been discharged,
71 disciplined, penalized or discriminated against. Any employee who
72 prevails in such a complaint shall be awarded reasonable attorney's
73 fees and costs. Any party aggrieved by the decision of the
74 commissioner may appeal the decision to the Superior Court in
75 accordance with the provisions of chapter 54.

76 (c) The commissioner may request the Attorney General to bring an
77 action in the Superior Court for injunctive relief requiring compliance
78 with any award, decision or judgment issued by the commissioner
79 under this section.

Statement of Legislative Commissioners:

In subsection (a) of section 1, references to "bureau" were bracketed for accuracy, since "bureau" refers to the bureau of labor statistics which was abolished in 1973.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Labor, Attorney General

Municipal Impact: None

Explanation**State Impact:**

The bill requires the Department of Labor to produce printed material determining the rights of immigrant laborers or laborers who lack proficiency in the English language. The languages used shall include Spanish, French and any other languages the commissioner decides are spoken by immigrant laborers in the state. The Department of Labor within available appropriations shall provide this material to such laborers when they apply for unemployment compensation. The bill also specifies that civil penalties collected for violations of labor statutes and deposited in a non-lapsing account can be used to cover the costs of this printed material. The account has approximately \$450,000 at the present time. The costs of producing this printed material can be handled through the resources of this account.

The bill permits the Commissioner of the Labor Department to request the Attorney General to bring action in the superior court to enforce decisions issued by the Commissioner to protect non-English-speaking laborers. Less than five referrals to the Attorney General are expected each year under the bill. It is anticipated that the Attorney

General could accommodate this requirement within available resources.

OLR BILL ANALYSIS

sHB 6657

AN ACT PROHIBITING EMPLOYMENT EXPLOITATION OF IMMIGRANT LABOR.**SUMMARY:**

This bill requires the labor commissioner to produce printed material on the rights of immigrant laborers or those that lack proficiency in English. The material must be in Spanish and French, and the commissioner can include other languages spoken by primary groups of immigrant laborers in the state. The material must address rights under state law on state contracts (such as hours and wages in public works contracts), wages, and unemployment compensation. The commissioner must provide the information to anyone who applies for unemployment compensation benefits or wants to enforce compliance with the wage and state contract laws. He must make the information available to the public within available appropriations. He must prevent people from illegally taking advantage of immigrant and other laborers because of lack of information about their rights, their credulity, or their lack of proficiency in English.

The bill allows the labor commissioner to appoint special agents to inform non-English speaking laborers, rather than just alien laborers, of their contract rights under state law and to prohibit someone from illegally taking advantage of them because of their lack of proficiency in English. The agents must be familiar with the language of these laborers. As under current law, the special agents are appointed as needed and receive the same pay as other agents of the department. The bill eliminates the \$300 total annual limit on expenses for these purposes.

The bill makes anyone who violates any of the employment regulation laws on hours and employee protection liable to the Labor Department for a \$300 civil penalty for each violation. Under current law, someone is liable for this penalty for violating the provisions on state contracts,

wages, and certain types of fraud or deception of insurance companies under the Workers' Compensation Act. The amounts collected are credited to the department and can be used for enforcement. The bill also allows use of the funds to enforce its provisions on immigrant and non-English speaking laborers.

Current law prohibits employers from discharging, penalizing, or discriminating against an employee because of claims, proceedings, testimony, or rights he exercised on behalf of himself or others under the unemployment compensation system. A person can complain to the labor commissioner, who can, after a hearing, award appropriate relief, including rehiring, reinstatement, back wages, benefits, and reasonable attorney's fees and costs. The bill allows the commissioner to request the attorney general to bring an action in Superior Court for an injunction to require compliance with his award, decision, or judgment.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 3